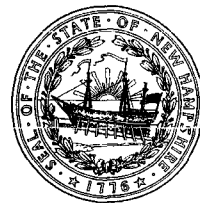




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

Mr. Thomas Palmer
Stonybrook Motor Lodge
1098 Profile Rd
Franconia, New Hampshire 03580

LETTER OF DEFICIENCY
WMB PBF 05-12
September 1, 2005

Dear Mr. Palmer:

The Department of Environmental Services, Water Division ("DES") is required by RSA 485-A:26 to operate a program to ensure the health and safety of the public when using public bathing facilities such as pools and spas. To implement this program, DES has adopted administrative rules Env-Ws 1101-1105 to specify the design, operation, and maintenance requirements for public bathing facilities. DES reviews applications for new public bathing facilities and also inspects and tests the water in existing public bathing facilities to ensure that applicable requirements are being met.

On August 15th, 2005 DES inspected the pool at the Stonybrook Motor Lodge in Franconia, NH ("the Pool").

During this inspection, the following deficiencies were noted:

1. Env-Ws 1103.15(d) requires a pH between 7.0 and 7.8 in public pool water. The pH of the Outdoor Pool water was 5.7 on August 15th, 2005.
2. Env-Ws 1104.01 requires the operator to test public bathing facility water for disinfectant residual, pH, and temperature prior to use of a public bathing facility and every 4 hours during operation, to record test results on a dated daily log sheet, and to maintain operational records for the previous twelve months and make these records available to DES and patrons of the public bathing facility upon request. No written records were available at the time of the inspection relative to the required testing of the Outdoor Pool water.
3. Pursuant to Env-Ws 1104.03(b), the operator shall be responsible for posting conspicuously displayed signs informing patrons of the DES rules relative to patron responsibilities (enclosed copy) and any other safety rules developed by the bathing facility management. Patron rules were not posted at the Outdoor Pool at the time of the inspection.
4. Pursuant to Env-Ws 1104.03(c), signs shall provide the location of the nearest telephone. The location of the nearest telephone was not posted at the Outdoor Pool at the time of the inspection.
5. Env-Ws 1103.09 requires enclosed trash receptacles to be provided in the dressing rooms and bathing areas. There was no trash receptacle in the bathing area of the Outdoor Pool.

DES believes the cited deficiencies can be corrected prior to 2006 summer season. A report outlining how compliance will be achieved with the cited deficiencies should be submitted to DES within 30 calendar days from receipt of this letter. The report should include the following:

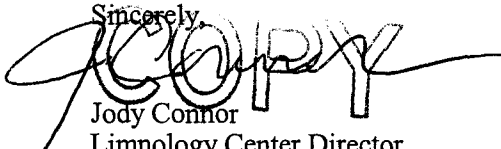
1. The corrective measures that were taken to bring pH to between 7.0 and 7.8.
2. A timetable of when:
 - a. the test log will be established;
 - b. patron rules will be posted;
 - c. the installation a sign indicating phone location will be completed; and
 - d. when a trash receptacle will be placed in the pool area.

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DES personnel will conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with RSA 485-A:26 and Env-Ws 1101-1105. In the event that compliance is not achieved, DES may take further action, including seeking an administrative fine up to \$2,000 for each offense or referring the case to the NH Attorney General's Office for judicial action.

We appreciate your cooperation in this matter. Please contact Tim Wilson at (603) 271-7108 if you have any questions regarding this letter. Copies of Env-Ws 1101-1105 are available through the DES Public Information Center at (603) 271-2975 or via the Internet at <http://www.des.state.nh.us/pools/env1100.pdf>.

Sincerely,


Jody Connor
Limnology Center Director

Certified Mail # 7000 1670 0000 0587 7415

Enclosures

cc: Gretchen R. Hamel, Legal Unit Administrator, DES ✓
Tim Wilson, Public Bathing Facility Coordinator, DES
Susan Kurtz, Health Officer, Town of Franconia

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